

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL WILLIAMS,

Plaintiff,

v.

Case No. 06-12385-BC
Honorable David M. Lawson

LIVINGSTON, MICHIGAN DEPARTMENT
OF CORRECTIONS, and MILLER,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DISMISSING CLAIMS AGAINST DEFENDANTS MILLER AND MICHIGAN
DEPARTMENT OF CORRECTIONS, AND REFERRING CASE BACK TO
MAGISTRATE JUDGE**

Presently before the Court is the report issued on July 20, 2006 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b), recommending that this Court *sua sponte* dismiss the claims against defendants Miller and Michigan Department of Corrections for failure to state a claim upon which relief can be granted. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt

7] is **ADOPTED**, and defendants Miller and Michigan Department of Corrections are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the case is referred back to the magistrate judge in accordance with the order for general case management dated June 19, 2006.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 15, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 15, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS